IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Court's order whether the case is or not approved for reporting

(Chapter VIII, Rule 32(2) (b)

Description of Case.

W.P. No. 22A (S/S) of 2003
{Old No. 2082/1992}

Date of decision :- 07-11-2006

~~**A.F.R. (Approved for reporting)**~~

Not approved for reporting

Date :- 07-11-2006 Initials of Judge

Note :- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the Judge for signature.

HIGH COURT OF UTTARANCHAL, AT NAINITAL

Civil Misc. Writ Petition No. 22A (S/S) of 2003
{Old No. 2082/1992}

Ranveer Singh S/o Sri Devi Singh
R/o village & post office Tera
District Agra
Employed as Driver (Rural Depo)
U.P.S.R.T.C., Dehradun ……Petitioner

Versus

1. U.P. State Road Transport Corporation
through its Managing Director
Tedhi Kothi, Lucknow, represented
Through the Deputy General Manager
U.P.S.R.T.C. (Western zone), Meerut
2. The Regional Manager
U.P.S.R.T.C., Dehradun
3. Sri H.N. Agrawal
Regional Manager, U.P.S.R.T.C.
Dehradun ……..Respondents

Dated :-07th November, 2006

Mr. Gopal Narain learned advocate for the petitioner.
Mr. Ashish Joshi learned Advocate for the respondents.

Hon'ble J. C. S. Rawat, J.

1. By means of this writ petition under section 226 of the constitution of India, the petitioner has sought the following reliefs:-

(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned order of removal of the petitioner from service dated 7.2.1991 passed by Regional Manager (Annexure-9 to the petition) and the appellate order dated 6.7.1991 passed by the Deputy General Manager (Annexure-11 to this writ petition).

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to reinstate the services of the petitioner with

retrospective effect with continuity in service alongwith all the back arrears of wages and other benefits admissible to the petitioner.

(iii) Issue a writ, order or direction in the nature of which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(iv) Award costs of this petition.

2. Brief facts of the case are that a chargesheet was served on 30.03.1990 to the petitioner. The charges against the petitioner were that he snatched the duty slip from Gajraj Singh, Driver of Bus No.8019, and secondly the petitioner did not go to Delhi with another bus despite the assignment given by his superior. An inquiry was conducted in this regard and after completing the inquiry the findings were recorded that the petitioner was not found guilty of snatching the duty slip. The inquiry officer further held that the petitioner was guilty for not reporting the duty as directed by the superiors. On the basis of the inquiry report, the Regional Manager had terminated the services of the petitioner vide order dated 7.2.1991. Feeling aggrieved by the termination order, the petitioner had filed an appeal before the Deputy General Manager and the said appeal was rejected vide order dated 06.07.1991. Feeling aggrieved by both order, the present petition has been filed.

3. I have heard learned counsel for the parties and perused the record.

4. Findings recorded by the Inquiry Officer have been challenged before this Court. In view of the provisions contained in the Industrial Disputes Act, the petitioner had an efficacious alternative remedy under the Industrial Disputes Act. This Court should not interfere

if there is an efficacious alternative remedy available. It is also disputed as to whether the petitioner had reported his duty or not. It is highly disputed question and the same can be determined under section 11A of the Industrial Disputes Act read with section 6(2)(A) of the U.P. Industrial Disputes Act applicable to Uttaranchal.

5. In view of the foregoing discussion, I am of the considered view that the petitioner has an alternative remedy to seek redressal against his grievances before the appropriate forum. Hence, the writ petition cannot be entertained under Article 226 of the Constitution of India and is liable to be dismissed.

6. The petition is accordingly dismissed with liberty to seek the appropriate remedy before the appropriate forum. The Forum while computing the period of limitation to entertain such petition to be filed by the petitioner before the Forum will exclude the time spent in prosecuting this writ petition in this court.

7. The parties will bear their own costs.

(J.C.S. Rawat, J.)

Dated 07.11.2006

LSR